



Case Report

1	Case Number	0235/15
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/06/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a man walking through the fruit and vegetable section of a store talking about the weird things people put in salads, such as witlof and goji berries, before going on to say that just because you can use these ingredients it doesn't mean you should.

He is then seen holding a KFC Mex Fresh Twister which he describes as only containing "the tasty stuff".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

This particular advertisement promotes that a KFC wrap is better than fresh produce. It is a detrimentally wrong message to send out to the general public with serious long term health hazards; and is an insult to all healthy eaters and conscious folk.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The Complaint

The Complainant has alleged the following:

“This particular advertisement promotes that a KFC wrap is better than fresh produce. It is a detrimentally wrong message to send out to the general public with serious long term health hazards; and is an insult to all healthy eaters and conscious folk.”

Relevant Codes & Initiatives

Australian Association of National Advertisers Code of Ethics (“Code”)

There is no suggestion that the Advertisement breaches the Code.

Australian Association of National Advertisers Food and Beverages Marketing and Communications Code (“F&B Code”)

There is a suggestion that the Advertisement may breach section 2.1(a) of the F&B Code in that it is, or is designed to be, misleading or deceptive.

Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children (“Children’s Code”)

There is no suggestion that the Advertisement breaches the Children’s Code.

Has the Code been breached?

The primary purpose of the Advertisement is to promote KFC’s Mex Fresh Twister product (“Product”) and showcase its ingredients. The Advertisement uses light humour in order to engage an adult audience and illustrate that the Product is delicious.

To achieve this purpose, the Advertisement portrays a man walking inside an urban fruit and vegetable grocery store commenting on some unique produce, such as witlof and goji berries, which may be included as ingredients in a salad. These references to the fruit and vegetable produce are used to make a tongue-in-cheek suggestion that the Product is a salad because it contains a mixture of tasty ingredients, such as lettuce, cheese and tomato salsa. As a result, the Advertisement aims to humorously challenge a consumer’s traditional perception of the type of ingredients that may comprise a salad.

The Advertisement in no way promotes or advertises that the Product is healthier or better than the fruit and vegetable produce shown in the grocery store. The Advertisement merely showcases the variety of ingredients that are included in the Product and describes them as “the tasty stuff”. Contrary to the Complainant’s view, it is highly unlikely that an ordinary reasonable person would be misled or deceived into believing that the Product is nutritionally better than the produce shown in the Advertisement. However, the Product may be perceived as tastier than the produce which is the objective of the Advertisement.

Notwithstanding this, KFC is committed to supporting responsible dietary choices for people of all ages. In this regard, KFC has taken a number of steps to improve the nutritional quality of its food, part of which has involved reducing salt content in KFC products and

transitioning to the use of canola oil to cook KFC products in store. Consumers can access nutritional information about KFC's products, including its range of Twister products, in-store and on KFC's website at <http://kfc.com.au/nutrition/index.asp>.

KFC considers that the Advertisement is not misleading or deceptive and therefore does not breach the F&B Code. We trust this addresses the Complainant's concerns.

THE DETERMINATION

The Advertising Standards Board ("the Board") considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the "Food Code").

The Board noted the complainant's concerns that the advertisement suggests a KFC wrap is better for you than fresh produce and this is not an appropriate message to promote.

The Board viewed the advertisement and noted the advertiser's response.

The Board noted that the product advertised is food and therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply.

In particular the Board considered Section 2.1 of the Food Code which provides: 'Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.'

The Board noted the advertisement features a man walking through a fruit and vegetable section of a store talking about the weird foods people put in salads before saying you don't have to use these foods.

The Board noted the Practice Note to Section 2.1 of the Food Code which provides:

"The Board will not attempt to apply legal tests in its determination of whether advertisements are truthful or honest, designed to mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to this Code.

In testing the requirement that an advertising or marketing communication should be truthful and honest, the Board will consider whether the information most likely to be taken from the advertisement by an average consumer in the target market would be reasonably regarded as truthful and honest."

The Board noted that the man in the advertisement makes specific reference to witlof and goji berries before saying that just because you can use these ingredients it doesn't mean you should. The Board noted that the man is then shown eating a KFC wrap which he describes as only having "the tasty stuff" including lettuce, tomato salsa and cheese.

The Board noted that when the man is in the fruit and vegetable section of a store he only makes reference to two ingredients, which he describes as weird in the context of adding to a salad, and when he describes the KFC wrap we see a close-up image of the product which contains chicken and salad.

The Board noted that the man does not make any negative comments about fresh produce, specifically fruit and vegetables, and considered that by dismissing unusual ingredients (witlof and goji berries) the man is not suggesting that all salad ingredients should be dismissed. The Board noted that the close-up image of the KFC wrap clearly shows lettuce,

tomato and red onion and considered that the most likely interpretation of the advertisement is that if you want a tasty salad without unusual ingredients then the KFC wrap is a good choice.

The Board considered that the advertisement did not suggest that KFC wraps are better than fresh produce and that overall the advertisement did not depict material which is misleading or deceptive.

Based on the above the Board considered that the advertisement would be understood by an average consumer to be truthful and honest in its depiction and determined that the advertisement did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code the Board dismissed the complaint.